

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1897

Introduced by Senator Burton

March 3, 2004

An act to add Sections 8203.1, ~~8203.2~~, and 8203.6 to the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1897, as amended, Burton. Child care reform.

Existing law authorizes the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs and to contract for the provision of child care and development services.

This bill would declare the intent of the Legislature to reform the reimbursement system for child care based on specified criteria, and to establish quality provider pools to employ family child care providers.

The bill would require the Child Development Division of the State Department of Education, on or before July 1, 2006, to provide to the Superintendent of Public Instruction a baseline assessment of the supply and demand for subsidized and unsubsidized child care. The bill would require the superintendent to make recommendations to the Legislature on or before March 1, 2007, based on that assessment. *The recommendations would be required to include a recommendation on the most effective means for the state to collect from child care provider employers specified information about their employees.* The bill would

require the assessment and recommendations to be updated every 2 years.

~~The bill would require all employers of the center or family provider child care employees who operate programs that are licensed or funded by the state to provide to the department, on or before July 1, 2007, specified information regarding those employees. By imposing additional duties on a local agency, this bill would impose a state-mandated local program.~~

The bill would require the Child Development Division to convene a task force, consisting of specified members, to develop and submit to the Legislature a Child Care and Development Workforce Development Plan. The bill would require the plan to include, among other things, detailed expectations and a career ladder for staff of child care and development providers. The bill would require the task force to submit the report to the Legislature on or before January 1, 2006.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. The provisions relating to the task force would not be operative if legislation is enacted during the 2003-04 Regular Session that creates a task force charged with addressing the elements required to be included in the plan.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) It is the intent of the Legislature to attain all
- 2 of the following goals:
- 3 (1) Improve the overall provision of child care, so that the
- 4 system is administered efficiently and maximum resources are
- 5 spent on care for children and families.

(2) Ensure that families eligible for subsidized child care under the CalWORKs program and other child development programs, and working families outside the subsidized child care system, retain access to child care, and that access to high quality child care is incrementally increased.

(3) Affirm and strengthen parental choice of child care and the infrastructure to support those choices.

(4) Guarantee due process protections for families and child care providers.

(5) Consider the impact of any reforms on both unsubsidized and subsidized child care.

(6) Ensure that public reimbursements for child care are linked to quality criteria.

(7) Ensure that child care providers have access to employment supports that provide for the improvement of quality standards in child care.

(b) To attain the goals expressed in subdivision (a), it is the intent of the Legislature to do all of the following:

(1) Require the State Department of Education to reform the reimbursement system for child care by establishing a unified rate system for child care centers and family day care providers that care for children of parents who receive public subsidies. The new rate structure would be *designed for implementation during the 2005–06 fiscal year* and consistent with the following principles:

(A) The basic rate would be linked to fees charged in the private child care market and adjusted annually to reflect changes in the private child care market.

(B) The need for special rates for certain children, based on the age of the child, the time in care, and demonstrated special needs of the child.

(C) Incentives would be provided for providers that meet measurable standards to improve child care and maintain high quality.

(2) Establish, *by July 1, 2006*, regional quality provider pools that would employ family child care providers who meet minimum quality and health and safety standards and who voluntarily choose to join the pool. Each quality provider pool would be authorized to operate a substitute provider pool for family child care providers. Each quality provider pool would be authorized to join together in a consortium, along with child care

1 centers, regarding the more efficient and cost-effective
2 administration and purchasing of benefits for family child care
3 providers and child care employees.

4 SEC. 2. Section 8203.1 is added to the Education Code, to
5 read:

6 8203.1. (a) (1) On or before July 1, 2006, the Child
7 Development Division of the State Department of Education, ~~with~~
8 ~~recommendations from the University of California and the Child~~
9 ~~Care Resource and Referral Network, shall provide to the shall~~
10 *collect the information identified in subparagraphs (A) to (G),*
11 *inclusive, aggregate the information and provide to the*
12 Superintendent of Public Instruction a baseline assessment of the
13 supply and demand for subsidized and unsubsidized child care.
14 *The assessment shall be based on extant data and utilize*
15 *information gathered by resource and referral agencies, local*
16 *child care planning councils, alternative payment providers, the*
17 *University of California, and other entities.* The assessment shall
18 include, but not be limited to, all of the following information:

19 (A) The types of child care available from different types of
20 providers.

21 ~~(B) The cost and quality of child care available.~~

22 (B) *The cost of available child care, according to the most*
23 *recent regional market rate analysis.*

24 (C) The needs of low-income, working families eligible for
25 child care subsidies who remain on eligibility lists.

26 (D) The needs of working families not eligible for child care
27 subsidies.

28 (E) ~~The availability of high-quality and types of child care for~~
29 ~~those facing barriers, including, but not limited to, infants,~~
30 ~~toddlers, children with disabilities, and families who require~~
31 ~~nontraditional hours of care, and families who require culturally~~
32 ~~and linguistically appropriate child care.~~

33 ~~(F) care.~~

34 (F) *The availability and types of child care for families that may*
35 *want or need linguistically appropriate child care.*

36 (G) Data on the diverse access challenges in rural and urban
37 communities.

38 ~~(2) The assessment shall be based on extant data and utilize~~
39 ~~information gathered by existing child care providers. The~~

1 ~~assessment shall identify gaps in information currently collected~~
2 ~~that is necessary for the assessment.~~

3 ~~(3) The assessment shall be updated every two years. The~~
4 ~~initial baseline assessment shall include recommendations on the~~
5 ~~most effective way to gather ongoing information to update the~~
6 ~~assessment to ensure that the assessments are provided efficiently~~
7 ~~and consistently.~~

8 ~~(4) The recommendations shall identify the manner in which~~
9 ~~information required by Section 8203.2 shall be obtained.~~

10 (2) *The assessment shall identify gaps in information currently*
11 *collected and include recommendations on the most effective*
12 *manner of collecting ongoing information to ensure that the*
13 *required assessments are provided efficiently and consistently and*
14 *the manner of obtaining this information.*

15 (b) ~~(1)~~ The Superintendent of Public Instruction shall provide
16 to the Legislature, on or before March 1, 2007, and every two years
17 thereafter, an assessment of the supply and demand for child care
18 and recommendations based upon the assessment required
19 pursuant to subdivision (a). ~~The~~

20 (1) *The recommendations shall include multiyear options to*
21 *incrementally do all of the following:*

22 (A) Address the needs of families receiving child care
23 subsidies.

24 (B) Address the needs of low-income, working families
25 eligible for child care subsidies that remain on ~~waiting~~ *eligibility*
26 *lists.*

27 (C) Address the needs of working families not eligible for child
28 care subsidies.

29 (D) Increase access to high-quality care for families facing
30 child care barriers.

31 (E) *Increase access to linguistically appropriate child care.*

32 (F) *Increase access to families in urban and rural areas,*
33 *including farmworker and agricultural communities.*

34 (2) (A) *The recommendations shall include a recommendation*
35 *on the most effective means for the department to collect from all*
36 *employers of center or family provider child care employees that*
37 *operate programs licensed by the state or programs that receive*
38 *funding from the state the following information:*

1 (i) *Sufficient information for the division to track and report on*
2 *the tenure and retention of each child care worker employed by the*
3 *provider.*

4 (ii) *The qualifications of each child care worker employed by*
5 *the provider, including, but not limited to, cultural and linguistic*
6 *characteristics of the employee.*

7 (B) *The information provided pursuant to this section shall be*
8 *used to inform the required assessments and shall be made*
9 *available to the public.*

10 (3) The recommendations shall be developed in consultation
11 with an advisory group that shall assist the Superintendent of
12 Public Instruction in developing the recommendations. The
13 advisory group shall include members representing all of the
14 following:

15 (A) The State Department of Social Services.

16 (B) Parents of children receiving subsidized and unsubsidized
17 child care.

18 (C) Various types of child care providers, *including*
19 *representatives of public and private subsidized and unsubsidized*
20 *child care, part-day and full-day preschool programs, Head Start,*
21 *the state preschool program, and center-based and family based*
22 *child care.*

23 (D) Experts in early child care and education, including, but not
24 limited to, administrators, teachers, and academics with expertise
25 in early childhood development and research.

26 ~~SEC. 3. Section 8203.2 is added to the Education Code, to~~
27 ~~read:~~

28 ~~8203.2. (a) On or before July 1, 2007, all employers of center~~
29 ~~or family provider child care employees who operate programs~~
30 ~~that are licensed by the state or receive funding from the state, shall~~
31 ~~supply the Child Development Division of the State Department~~
32 ~~of Education with all of the following information:~~

33 ~~(1) Sufficient information for the division to track and report~~
34 ~~on the tenure and retention of each child care worker employed by~~
35 ~~the provider.~~

36 ~~(2) The qualifications of each child care worker employed by~~
37 ~~the provider, including, but not limited to, cultural and linguistic~~
38 ~~characteristics of the employee.~~

~~(b) The information provided pursuant to this section shall be used to inform the assessments required by Section 8203.1 and shall be made available to the public.~~

~~SEC. 4.—~~

(E) Representatives of child care support entities, including resource and referral agencies, alternative payment programs, local child care planning councils, and child care advocacy groups.

SEC. 3. Section 8203.6 is added to the Education Code, to read:

8203.6. (a) (1) ~~The~~ *To the extent resources are available, the* Child Development Division of the State Department of Education shall convene a task force consisting of representatives from all of the following entities:

(A) The California Children and Families Commission.

(B) The office of the Chancellor of the California Community Colleges.

(C) The University of California.

(D) The California State University.

(E) The Commission on Teacher Credentialing.

(F) The Child Development Division of the State Department of Education.

(G) The California Child Care Resource and Referral Network.

~~(2) In addition to the members appointed pursuant to subdivision (a), nine members shall be appointed to the task force as follows:~~

~~(A) The Speaker of the Assembly shall appoint the following representatives to the task force:~~

~~(i) A parent of a child in a subsidized child care center.~~

~~(ii) A representative of community-based programs that provide child care and development training.~~

~~(iii) A representative of private colleges providing child care and development training.~~

~~(B) The President pro Tempore of the Senate shall appoint the following representatives to the task force:~~

~~(i) A parent of a child in a nonsubsidized child care program.~~

~~(ii) A representative of an employee organization that represents child care workers and operates staff training programs.~~

~~(iii) A provider of family child care services.~~

1 ~~(C) The Governor shall appoint the following representatives~~
2 ~~to the task force:~~
3 ~~(i) An early child care and education expert.~~
4 ~~(ii) A representative of child care center administrators.~~
5 ~~(iii) A parent of a child in a family child care setting.~~
6 *(H) Representatives of the following:*
7 *(i) Parents of children in subsidized and unsubsidized child*
8 *care center and family child care settings.*
9 *(ii) Community-based programs that provide child care and*
10 *development training.*
11 *(iii) Private colleges providing child care and development*
12 *training.*
13 *(iv) Employee organizations that represent child care workers*
14 *and operate staff training programs.*
15 *(v) Providers of family child care services and center based*
16 *teachers who are consumers of training and development*
17 *programs.*
18 *(vi) Early child care and education experts.*
19 *(vii) Child care center administrators, including part-day*
20 *programs, Head Start, and the state preschool program.*
21 *(viii) Local child care planning councils.*
22 *(ix) Local First Five commissions.*
23 *(2) Task force participants shall serve without pay or*
24 *compensation.*
25 *(b) The task force shall operate in a manner that encourages*
26 *input and participation from the public.*
27 *(c) The task force shall conduct at least one public hearing prior*
28 *to submitting the report required pursuant to subdivision (d).*
29 *(d) (1) The task force shall develop and submit to the*
30 *Legislature on or before January 1, 2006, a Child Care and*
31 *Development Workforce Development Plan.*
32 *(2) The plan shall include all of the following information:*
33 *(A) Clear expectations for staff competencies and*
34 *requirements for each level of regulation for subsidized and*
35 *unsubsidized child care and development center and home-based*
36 *services.*
37 *(B) Career ladders with links to teacher certification and*
38 *credentialing.*

1 (C) A means for accreditation of training offered by public and
2 private entities, so that enrollees can meet the requirements of the
3 career ladder.

4 (D) Strategies for recruiting and retaining instructional staff
5 who reflect the ethnic, racial, linguistic, and cultural diversity of
6 California families.

7 (E) A means for providing child care and development staff
8 with information regarding available training supports, including,
9 but not limited to, English-as-a-second-language training
10 opportunities and scholarship programs.

11 (F) A method for assessing whether the available training
12 supports assure access to professional development opportunities
13 for direct care personnel in all settings and from a variety of ethnic
14 and linguistic backgrounds.

15 (G) Determination of how a prudent and efficient registry of
16 child care and development workers and their training levels can
17 be developed.

18 (H) Goals for qualifications of child care and development
19 providers, and a method to report to policymakers the status of
20 meeting those goals.

21 (I) A procedure for assessing the impact of the plan, and
22 updating the plan, every five years.

23 ~~SEC. 5. Notwithstanding Section 17610 of the Government~~
24 ~~Code, if the Commission on State Mandates determines that this~~
25 ~~act contains costs mandated by the state, reimbursement to local~~
26 ~~agencies and school districts for those costs shall be made pursuant~~
27 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
28 ~~2 of the Government Code. If the statewide cost of the claim for~~
29 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
30 ~~reimbursement shall be made from the State Mandates Claims~~
31 ~~Fund.~~

32 *(e) This section shall not be operative if, during the 2003–04*
33 *Regular Session, legislation is enacted that creates a workforce*
34 *development task force and the task force is charged with*
35 *addressing the elements required to be included in the plan*
36 *developed pursuant to subdivision (d).*

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